

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KEESHA GOODE and VICTORIA GOODMAN, on Behalf of Themselves and Others Similarly Situated,	:	CIVIL ACTION
	:	
Plaintiffs,	:	NO. 11-2950
	:	
vs.	:	
	:	
LEXISNEXIS RISK & INFORMATION ANALYTICS GROUP, INC.,	:	
	:	
Defendant.	:	

SCHEDULING ORDER

AND NOW, this 27th day of September, 2012, following an Initial Pretrial Conference on said date, the parties, through counsel, having reported that they are interested in continuing their settlement discussions, **IT IS ORDERED** that, on or before December 2, 2012, counsel shall jointly report to the Court (letter to Chambers, Room 12613) with respect to whether the case is settled. In the event the case is not settled on or before December 2, 2012, counsel shall include in their joint report a statement as to whether they believe further mediation before former Magistrate Judge Diane Welsh might be useful in resolving the case and, if so, when they will be prepared to begin such proceedings. In the event counsel agree on further mediation and decide that a suspension of this Scheduling Order is appropriate, they should request such relief in their joint report.

IT IS FURTHER ORDERED that the case shall proceed on the following schedule:

1. Initial Disclosure under Federal Rule of Civil Procedure 26(a)(1) is complete.

All remaining fact-discovery on class certification and the merits shall proceed forthwith and continue in such manner as will assure that all requests for, and responses to, discovery will be served, noticed and completed by April 30, 2013;

2. On or before April 30, 2013, counsel shall jointly report to the Court by letter to

Chambers as to whether they plan to use expert witnesses in connection with: (a) class certification issues; or, (b) merits issues;

3. In the event counsel for either party decides to use expert witnesses with respect to class certification or merits issues, expert witness discovery shall proceed as follows:

- a. On or before May 30, 2013, plaintiffs shall serve defendant with curriculum vitae and reports and/or responses to expert witness discovery for all expert witnesses on class certification and merits issues.
- b. On or before July 1, 2013, defendant shall serve plaintiffs with curriculum vitae and reports and/or responses to expert witness discovery for all expert witnesses on class certification and merits issues.
- c. On or before August 1, 2013, plaintiffs are granted leave to serve defendant with rebuttal expert witness reports and curriculum vitae for any expert whose curriculum vitae has not been provided.
- d. Any party expecting to offer opinion testimony from lay witnesses pursuant to Federal Rule of Evidence 701 with respect to the class certification and merits issues shall, at the time required for submission of information and/or reports for expert witnesses on class certification and merits issues, serve opposing parties with curriculum vitae and details and/or documents covering the lay opinions of the Rule 701 witnesses.
- e. Any discovery depositions of expert witnesses and Rule 701 witnesses may be taken between August 15, 2013 and September 5, 2013.
- f. Any *Daubert* motions shall be filed and served on or before September 19, 2013. Responses to *Daubert* motions shall be filed and served within two weeks of service of any such motion but in no event later than October 3, 2013.

Two (2) copies of any such motions and responses shall be served on the Court (Chambers, Room 12613) when the originals are filed;

4. In the event counsel for either party concludes that expert witnesses will be required with respect to class certification issues, plaintiffs' motion for class certification shall be filed and served on or before October 18, 2013. The response to plaintiffs' class certification motion shall be filed and served on or before November 8, 2013. In the event plaintiffs conclude that a reply is necessary, leave is granted to serve a reply on or before November 22, 2013. Two (2) copies of each submission shall be served on the Court (Chambers, Room 12613) when the original is filed;

5. In the event counsel for either party concludes that expert witnesses will not be required with respect to class certification issues, plaintiffs' motion for class certification shall be filed and served on or before May 30, 2013. The response to plaintiffs' class certification motion shall be filed and served on or before June 20, 2013. In the event plaintiffs conclude that a reply is necessary, leave is granted to file and serve a reply on or before July 3, 2013. Two (2) copies of each submission shall be served on the Court (Chambers, Room 12613) when the original is filed; and,

6. The Court has not scheduled the filing of motions for summary judgment. In the event either party determines that motions for summary judgment should be presented to the Court and ruled on before the motion for class certification is decided, an argument to that effect shall be included in the motion for class certification (plaintiffs) or the response to the motion for class certification (defendant). Any party opposing the filing of, and a ruling on, a motion for summary judgment before the Court rules on the class certification motion shall include an argument to that effect in their next-filed response with respect to class certification issues. The Court will address any such request before ruling on the motion for class certification.

IT IS FURTHER ORDERED that a further scheduling order will issue after the Court

rules on the motion for class certification. In the event the Court determines that it is appropriate to decide a motion for summary judgment before ruling on the motion for class certification, an order to that effect will be issued and a scheduling order will issue thereafter if a decision on the motion for summary judgment does not resolve the entire case.

BY THE COURT:

/s/ Jan E. DuBois
DuBOIS, JAN E., J.